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FM AMEMBASSY TEGUCIGALPA

TO RUEHC/SECSTATE WASHDC PRIORITY 9795

INFO RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY

RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY

RUEHUB/USINT HAVANA PRIORITY 0140

RUMIAAA/CDR USSOUTHCOM MIAMI FL//CINC/POLAD// PRIORITY

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RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

RUEATRS/DEPT OF TREASURY WASHDC PRIORITY

RHEFDIA/DIA WASHINGTON DC PRIORITY

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RUMIAAA/USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000424

SIPDIS

E.O. 12958: DECL: 06/04/2019

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [SOCI](#) [HO](#)

SUBJECT: FOURTH URN UPDATE: CONGRESS CENSURES THE
PRESIDENT, WHILE THE COURT WARNS POSSIBLE OFFENDERS

REF: A. TEGUCIGALPA 409

[1](#)B. TEGUCIGALPA 395 AND PREVIOUS

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Classified By: Ambassador Hugo Llorens, reason 1.4 (b & d)

1.(C) Summary: The Honduran Congress voted to censure President Manuel "Mel" Zelaya for his refusal to submit a budget in defiance of Congress, for disobeying a court's ruling to cease promoting a government-sponsored poll on a referendum to hold a constituent assembly, and for issuing illegal orders (to support the poll) to the Armed Forces. The Administrative Court of First Instance followed up on its initial ruling with an official notification that anyone going against its ruling would be prosecuted. Civil Society, led by the Human Rights Ombudsman, then filed a denunciation of the President with the Attorney General. End Summary.

[1](#)2. (SBU) By a wide majority, the Honduran Congress took the unprecedented step of officially censuring the Executive's conduct. The motion, presented by Congressman Rodolfo Irias Navas of the opposition National Party, cited the President's refusal to present a budget, his "public disobedience" of a court ruling to cease promoting a poll on a referendum to hold a constituent assembly, and the issuance of an "arbitrary order" to the Armed Forces to follow an illegal order. The motion was non-binding, but urged the President to reverse himself.

[1](#)3. (SBU) The Administrative Court of First Instance that ruled against the poll and referendum on May 27 (ref B), published its final ruling on June 3. The court then took the unusual step of notifying possible offenders of its ruling by sending copies of the document to the Presidential Palace, the National Statistical Institute (which is being tasked with carrying out the poll), the Armed Forces (which has been ordered to support it), and all government ministries (most of whom have been ordering their employees to vote in favor of it). The decision was posted at each of the buildings and delivered to the heads of the various organizations. The

court declared that it took this step so that no one could later claim ignorance of the sentence. Now that the ruling has been published, offenders can be punished. Disobeying the ruling would normally lead to a fine, but legal experts advise that continued disregard for the decision could lead to charges of abuse of authority or other more serious offenses.

¶4. (SBU) Simultaneously, respected Human Rights Ombudsman Dr. Ramon Custodio, visited the Attorney General to file a denunciation against Zelaya for abuse of authority. Custodio alleged that by not submitting a budget to Congress, and by managing the finances of the country in an "illegal and arbitrary" fashion, the President had not fulfilled his responsibilities as the Executive. He urged the Attorney General to take action against the Executive based on his denunciation.

¶5. (C) Comment: Two branches of government and a powerful representative of civil society continue to stake out their positions against Zelaya. Although the Congressional censure is non-binding and carries no penalty, it is a clear signal of Congressional displeasure with the President, particularly since Zelaya has instructed the Minister of Finance to stop disbursing funds for Congressional operations, including salaries and wages. Many in Congress are privately discussing the possibility of impeachment procedures. Unfortunately, communication has broken down between Zelaya and his opponents and unless they begin to discuss possible compromises, we are on the path towards a constitutional crisis. We will work to reestablish communication and continue to encourage all parties to employ legal, constitutional and peaceful methods to reach their goals.
End Comment.

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